

REMARKS

The above-identified application is United States application serial number 09/854,037 filed on May 10, 2001. Claims 1-18 are pending in the application. Claims 1-18 are rejected. Claims 1-5, 7-11, 14, and 16-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Goldberg et al (U.S. Patent No. 5,963,203). Claims 6, 12, and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Bullock et al (U.S. Patent No. 5,675,358).

Rejection of Claims Under 35 USC §102

Regarding the rejection of Claims 1-5, 7-11, 14, and 16-18 under 35 U.S.C. §102(b) as being anticipated by Goldberg, the applicants respectfully traverse the rejections. Claims 1-18 specify the action of "arranging [a] plurality of images into a picture stack comprising a top and a bottom." According to the description and drawings, the action of arranging, pertinently regarding the reference to "a top and a bottom" of the stack, relates explicitly and implicitly to selecting and ordering the images, for example see Paragraph [0024]. Goldberg does not disclose the action of arranging images but rather merely discloses the action of accessing a video stream that already has been arranged and is merely accessed, for example by accessing a video stream from a CD-ROM. Goldberg omits any disclosure of an action of arranging images. Col. 10, lines 4-8, only describes the action of displaying multiple frames on a screen. Col. 9, lines 38-41, specifically states that the image data accessed in the Goldberg system and method is previously arranged and merely read as recorded video sequences from a CD-ROM.

Claims 1-18 further distinguish over Goldberg on the basis that the claimed method relates to a "graphical user interface having a desktop" and includes the action of "placing said picture stack directly on the desktop." Goldberg does not disclose a system with a desktop. A desktop is defined, in graphical user interfaces, as "a metaphor used to portray file systems," in which "such a desktop consists of pictures, called icons, that show cabinets, files, folders, and various types of documents." The interface enables arrangement of "the icons on the electronic desktop just as you can arrange real objects on a real desktop – moving them

around, putting one on top of another, reshuffling them, and throwing them away."

(<http://www.webopedia.com/TERM/D/desktop.html>)

Another definition of desktop is, as follows: "Using an office metaphor, a desktop is a computer display area that represents the kinds of objects one might find on a real desktop: documents, phonebook, telephone, reference sources, writing (and possibly drawing) tools, project folders. A desktop can be contained in a window that is part of the total display area or can be "full-screen" (the total display area). Conceivably, you can have multiple desktops (for different projects or work environments you may have) and switch among them."

(http://scarchwin2000.techtarget.com/sDefinition/0,,sid1_gci211936.00.html)

Goldberg does not disclose a general-purpose computing system that employs typical graphical user interface concepts including a "desktop". In contrast, Goldberg teaches "customized, interactive interfaces provided by the present invention [that] involve displayed images, representing the respective associated video sequences." [Col. 5, lines 38-44].

Regarding the rejection of Claim 2, the applicants further traverse the rejection on the basis that Goldberg does not disclose a system that displays "photographic images" but rather teaches a system for displaying "video sequences".

Regarding the rejection of Claims 7 and 16, the applicants traverse the rejections on the basis that the claims specify playing of audio data that is associated with the top image, which is a single two-dimensional pictorial image such as a photographic image. In contrast, Goldberg teaches a system in which audio data is not associated with a two-dimensional pictorial image, but rather a "quasi-object called a root image" which "consists of a plurality of basic frames selected from the video information, arranged such that their respective x and y directions are aligned with the x and y directions in the root image and the z direction in the root image corresponds to time." (see abstract)

Regarding the rejection of Claims 8, 9, 10, 17, and 18, the applicants traverse the rejection. The applicants claim the action of "displaying on the desktop at least one control separate from said picture stack", for example "a toolbar". Goldberg does not disclose a control that is displayed or displayable on the desktop, but rather merely discusses provision

of a "toolkit" that can be used by a designer to create an interactive video interface. What Goldberg is describing is not a control icon or toolbar, but rather a computer program that can be executed on a computer that includes menus and instructions, and can be used to create executable processes that can function as an interface.

Regarding the rejection of Claim 11, the applicants traverse the rejection on the basis that Goldberg does not show the border according to the Claims. Figures 4 and 5 of Goldberg do not show a border, such as that shown by the applicants as border 204 in Figure 2.

Rejection of Claim Under 35 USC §103

Regarding the rejection of Claims 6, 12, and 15 under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Bullock, the applicants traverse the rejections for several reasons. Regarding Claims 6 and 15, as well as Claim 12, Goldberg and Bullock are incompatible and cannot be combined. Bullock discloses a picture stack that is an "object" that "represents a temporary repository which can contain any number of images on a work space." Accordingly, Bullock teaches a system and method in which pictorial images can be arranged in a desired order. In contrast, Goldberg discloses only actions performed on a recorded, and therefore fixed, video stream. The Examiner's statement of the obviousness of using "the picture stack flipping feature of Bullock in the frame stack system of Goldberg" is incorrect and impossible because Goldberg does not disclose a system that even allows reordering of images.

Regarding the rejection of Claim 12 under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Bullock, the applicants traverse the rejection on the basis that Goldberg and Bullock are incompatible and cannot be combined as described with respect to the discussion of Claims 6 and 15. Furthermore, Goldberg does not disclose a method for viewing images using a graphical user interface having a desktop. Goldberg does not teach usage with a desktop. Goldberg does not teach the action of arranging the images into a stack having a top and a bottom since Goldberg discloses a system that accesses video frames in a recorded, and thus fixed, order or arrangement.

New Claims

New claims 19 and 20 are added to cover additional aspects of the originally-described system. No new matter is added.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant believes Claims 1-20 are in form for allowance and a notice to that effect is solicited. No new matter has been added. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number is (703) 872-9306 on the date shown below.

(Signature)

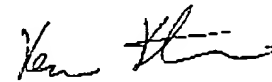
Ken J. Koestner

(Printed Name of Person Signing Certificate)

March 2, 2004

(Date)

Respectfully submitted,



Ken J. Koestner
Attorney for Applicant(s)
Reg. No. 33,004